



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice

In Opposition to:

H.B. No. 5373 (RAISED) An Act Concerning Establishing Residency for Tenants

Select Committee on Housing
March 4, 2010

The Division of Criminal Justice opposes H.B. No. 5373, *An Act Concerning Establishing Residency for Tenants*. This legislation removes an estimated many thousands of tenants/occupants of dwellings from the protection of summary process laws, which currently require a court order before forced removal or lockout.

H.B. No. 5373 declares that occupation of a dwelling unit by a person shall be insufficient to establish residency there unless such person is listed as a tenant on the rental agreement, or such person is the dependent of a tenant listed on the rental agreement. If passed, this would severely reconstitute the pool of types of occupants defined as "tenants" in our state. The significance of inclusion of an occupant under the definition of "tenant" is that only a "tenant" as defined in Connecticut law is entitled to the protection of summary process, or eviction law. All other occupants, including those who are exempted from that protection by Section 47a-2 of the general statutes, may be removed from a dwelling unit without a court order or use of the eviction procedures. Further, if that tenant/occupant fails to vacate a dwelling unit when instructed to do so by a person in authority, he or she would be considered a "trespasser" subject to arrest.

Currently, the term "tenant" is defined as set forth in section 47a-1 as to include four categories of persons: lessees, sublessees or persons entitled under a rental agreement to occupy a dwelling unit or premises to the exclusion of others or as is otherwise defined by law. "Rental agreement" is defined in the same section as including all agreements, written or oral, and valid rules and regulations adopted under section 47a-9 or subsection (d) of section 21-70 embodying the terms and conditions concerning the use and occupancy of a dwelling unit or premises. Therefore by current law definitions, all occupants of dwelling units by virtue of an oral rental agreement have equal protection from lockout without judicial summary process as those that occupy under a written lease or sub-lease. Although exact numbers are not available, we estimate that the majority of rental agreements in place in our state are oral agreements. Additionally, the fourth category of tenants, "as otherwise defined by law," includes both "tenants at sufferance" and "tenants at will". As "tenants at sufferance" includes persons under

eviction, this legislation would effectively allow a landlord to lock out a tenant after service of a notice to quit, which creates a tenancy at sufferance by operation of law.

In closing, H.B. No. 5373 is contrary to the current and historical definitions of "tenant" as applied in the State of Connecticut. It would allow results such as a lockout of an occupant whose written lease had expired years ago, but who continued to reside by agreement with the landlord on an oral month-to-month basis. If a landlord locked out such a tenant today, it would clearly constitute a criminal lockout under section 53a-214. The Division of Criminal Justice opposes H.B. No. 5373 and would be pleased to provide any additional information or answer any questions the Select Committee on Housing may have.

Respectfully submitted,

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